

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**DAVID AARON CARR,  
*Plaintiff***

V.

**SUZANNE WALKER, MARTIN  
PLACKE, FRANK MALINAK, REVA  
T. CORBETT, JOSHUA RAMIREZ,  
DON MILBURN, JOHN DOE #1, and  
JOHN DOE #2,**  
*Defendants*

Case No. 1:24-CV-00280-DII

## ORDER

Plaintiff David Aaron Carr filed his Complaint on March 13, 2024. Dkt. 1. To date, however, there is no indication that Plaintiff has served Defendants with the complaint and summons. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” FED. R. CIV. P. 4(m). More than 90 days have passed since Plaintiff filed his Complaint.

**IT IS ORDERED** that Plaintiff shall show cause in writing on or before **July 26, 2024**, as to why the claims against Defendants should not be dismissed for failure to timely effect service. Failure to do so may result in the dismissal of this action. *See FED. R. CIV. P. 41(b)* (action may be dismissed for want of prosecution or failure to comply with court order); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (district court has authority to dismiss case for want of prosecution or failure to comply with court order).

**SIGNED** on July 2, 2024.



**SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE**